

REMARKS

In the Office Action mailed November 25, 2009 the Office noted that claims 1-15 were pending and rejected claims 1-3, 5-12, 14 and 15. Claims 1 and 9 have been amended, claims 4 and 13 have been canceled, and, thus, in view of the foregoing claims 1-3, 5-12, 14 and 15 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

INFORMATION DISCLOSURE STATEMENT

The Office asserts that two references were cited in the Specification and not provided in an Information disclosure Statement. The Applicants submit that the Zipper is standardized refers to the contents of patent application referred to later in the same paragraph and thus the Applicants have met their burden with reference to WO 99/43123. The Applicants submit this date an IDS and the Kimpe reference.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 4 and 13 would be in a condition for allowance if re-written in independent form. The Applicant thanks the Office for the consideration given the claims.

REJECTIONS under 35 U.S.C. § 103

Claims 1-3, 5-12, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madan ("How DSL Works") in view of Bengtsson, ("Zipper Performance when mixing ADSL and VDSL in terms of reach and capability"). The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

The Applicants have taken allowable subject matter by amending claims 1 and 9 to include the features of allowable claims 4 and 13 respectively.

For at least the reasons discussed above, Madan and Bengtsson, taken separately or in combination, fail to render obvious the features of claims 1 and 9 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1-3, 5-12, 14 and 15 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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